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An Application Data Sheet was filed in reference to this application on May 2, 2005.

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☒ Original ☐ Substitute ☐ Supplemental

Atty. Docket: ORNTOFT1

COMBINED DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

TITLE OF THE INVENTION	GENE EXPRESSION IN BIOLOGICAL CONDITIONS
<p>This declaration is directed to:</p> <p><input type="checkbox"/> the attached application;</p> <p><input type="checkbox"/> the application filed in the United States under 35 U.S.C. §111 on _____, as U.S. Appln. No. _____*; or</p> <p><input checked="" type="checkbox"/> the application which was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international (PCT) application, <u>PCT/DK2003/000750</u>; filed November 3, 2003, entry requested on May 2, 2005*; national stage application received U.S. Appln. No. 10/533,547*; §371/§102(e) date <u>May 2, 2005</u>* (* if known)</p> <p><input type="checkbox"/> as amended on _____ (if applicable).</p> <p>I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;</p> <p>I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;</p> <p>I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.</p> <p>All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.</p> <p>As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:</p> <p style="text-align: center;">All of the practitioners associated with Customer Number 001444</p> <p>Direct all correspondence to the address associated with Customer Number 001444, which is presently:</p> <p style="text-align: center;">BROWDY AND NEIMARK, P.L.L.C. 624 Ninth Street, N.W. Washington, D.C. 20001-5303 (202) 628-5197</p> <p>The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from <u>HOIBERG A/S</u> as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.</p>	
<p>FULL NAME OF INVENTOR(S)</p>	
<p>Inventor one: <u>Torben Falck ØRNTOFT</u></p> <p>Signature: <u>T. Falck</u></p>	<p>Date: <u>June 30th, 2005</u></p> <p>Citizen of: <u>Denmark</u></p>
<p>Inventor two: <u>Thomas Thykjaer ANDERSEN</u></p> <p>Signature: <u>Thomas Thykjaer</u></p>	<p>Date: <u>July 4, 2005</u></p> <p>Citizen of: <u>Denmark</u></p>

Title: GENE EXPRESSION IN BIOLOGICAL CONDITIONS

U.S. Application filed _____, Serial No. _____

PCT Application filed November 3, 2003, Serial No. PCT/DK2003/000750Inventor three: Lars Dyrskjøl ANDERSENDate: 4/2-05Signature: Citizen of: DenmarkInventor four: Jens Ledet JENSENDate: 6/7-05Signature: Citizen of: Denmark

Inventor five: _____

Date: _____

Signature: _____

Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

All inventors must review application and declaration before signing. All alterations must be initialed and dated by all inventors prior to execution. No alterations can be made after the declaration is signed. All pages of the declaration must be seen by all inventors.

Resolving conflicts between Application Data Sheets and Declaration occurs as follows: (1) normally, the latest submitted information governs, (2) if an Application Data Sheet and a declaration are filed the same day, the Application Data Sheet governs, except with respect to the naming of inventors and the identification of their citizenship. See 37 CFR 1.76(d).



Assignment of Invention

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WORLDWIDE ASSIGNMENT FROM INDIVIDUALS

WHEREAS I own all or part of an invention whose present title is that set forth above,

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for which patent applications have been

() drafted and attached hereto

() executed on even date herewith¹,

(XX) filed as set forth below:

Denmark PA 2002 01685 November 1, 2002

All PCT States PCT/DK2003/000750 November 3, 2003

which entered the U.S. National Stage as
USSN 10/533,547

AND WHEREAS Aros Applied Biotechnology ApS of c/o Østjysk Innovation, Gustav Wieds Vej 10, DK-8000 Århus C, Denmark (hereinafter ASSIGNEE) is interested in acquiring the entirety of my right, title and interest in said invention, and related patents and applications, **worldwide**:

¹ Use this box only if §1.63 declaration executed the same day.

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NOW THEREFORE IT IS AGREED BETWEEN MYSELF AND ASSIGNEE THAT:

1. Definitions:

1.1. ASSIGNED APPLICATIONS hereby means (a) any executed or filed application identified above, or any draft application attached hereto; (b) any application filed in the U.S. (provisional or nonprovisional), a foreign country, or under an international treaty (e.g., PCT), from which an application of (a) above directly or indirectly claims the benefit, under the Paris Convention or under U.S. (e.g., 35 USC 120 or 119(e)) or foreign law; and (c) any application, filed in the U.S., a foreign country, or under an international treaty (including PCT), which directly or indirectly claims the benefit, under the Paris Convention or under U.S. or foreign law, of an application of (a) or (b) above, including without limitation any continuation, division, or continuation-in-part applications. Applications include both applications for patents and applications for other forms of protection for inventions, such as inventors' certificates.

1.2. ASSIGNED PATENTS hereby means any U.S. or foreign patent identified above, or which has issued or hereafter issues on an ASSIGNED APPLICATION, including any reissues, reexaminations, renewals or extensions of such patents; and any other form of protection for inventions, such as an inventors' certificate, which may be granted in the U.S. or a foreign country (or group of countries).

1.3. ASSIGNED INVENTIONS hereby means any invention, to which I made an inventive contribution, which was disclosed in an ASSIGNED APPLICATION or an ASSIGNED PATENT, whether or not such invention was claimed, and whether or not such invention was conceived or made at the time of execution of this assignment.

2. Assignment

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I hereby assign all of my right, title and interest in the ASSIGNED INVENTIONS, the ASSIGNED APPLICATIONS, and the ASSIGNED PATENTS, and any right to assert domestic or foreign priority from the ASSIGNED APPLICATIONS, to ASSIGNEE. In the case of CIPs, this assignment includes inventions first disclosed in said CIP.

3. Cooperation with Prosecution

I agree to execute, whenever requested by ASSIGNEE or its legal representatives, all lawful patent applications, assignments, declarations, disclaimers, and other papers, and to carry out such other lawful acts, which ASSIGNEE or its legal representatives may deem necessary or desirable for securing or maintaining said patents or other forms of protection or for establishing ASSIGNEE's title therein; to provide ASSIGNEE or its legal representatives with such executed papers, and with all pertinent facts and documents relating to said application as may be known or reasonably accessible to me; and to testify on behalf of ASSIGNEE in any legal proceeding related thereto; all without further compensation to me (except for compensation of reasonably incurred out-of-pocket expenses); and all in an expeditious and conscientious manner.

I also agree that I will not testify in a legal proceeding relating to said patents or applications on behalf of another party, or otherwise assist another party in connection with such a legal proceeding or in connection with any evaluation of the patentability, validity or scope of said patents and applications, without the prior written consent of ASSIGNEE or its legal representatives, if such consent can be lawfully required by ASSIGNEE.

Nothing herein should be construed to imply an obligation on my part to satisfy expenses of prosecuting and maintaining any ASSIGNED APPLICATION or ASSIGNED PATENT.

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4. Request for Patent Grant

I hereby authorize and request the patent office officials throughout the world to issue any and all patents or other forms of protection for inventions resulting from the aforesaid applications to ASSIGNEE, as ASSIGNEE of the interest here assigned.

5. Warranty of Title; Acknowledgment of Duty of Disclosure

I hereby covenant and warrant that I possess some right, title and interest in said invention or in one or more of said draft applications, applications, patents or other forms of protection, that I have fully disclosed to ASSIGNEE or its legal representatives, in writing, all encumbrances, clouds or limitations which are or should be known to me which affect my right, title and interest, in the United States or any foreign country, and that I have likewise disclosed to ASSIGNEE or its legal representatives the identity of all other persons, natural or juristic, possessing or claiming to possess some right, title or interest in the foregoing. (If such persons are listed as inventors at the end of this Assignment form, then that constitutes a disclosure of identity.) This duty of disclosure is a continuing one and I will inform ASSIGNEE or its legal representatives of any relevant information which becomes known to me after the execution of this Assignment.

I will, upon ASSIGNEE's request, or that of or its legal representatives, provide information known to or readily ascertainable by me concerning the locations of such persons and the circumstances allegedly giving rise to their right, title or interest, such as their alleged inventive contributions.

I hereby covenant and warrant that (except as set forth in an attached written disclosure which is incorporated by reference herein) I have full right to convey the entire interest herein assigned, that I have not executed, and will not execute, any

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agreement in conflict therewith, and that I have and will comply with the duty of disclosure with respect to said application.

6. Authority to Identify and Correct

I hereby grant Iver P. Cooper, Reg. No. 28,005, and other attorneys of Browdy and Neimark, a delegable power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office or any foreign patent office for recordation of this document, or to make such corrections on this Assignment as I may authorize, or the Assignee may authorize, orally or in writing.

7. Biological Materials; Right of Reference

I assign to ASSIGNEE all of my right, title and interest in any biological materials I have developed, propagated or deposited during the course of employment with ASSIGNEE, or which are referred to in said application, or which may be necessary to enable one to make or use said invention, and agree that ASSIGNEE shall have control over any deposits which I have caused to be made of such biological materials.

I likewise assign to ASSIGNEE my right of reference, for purposes of obtaining regulatory approval, to any data which I have developed during the course of employment with ASSIGNEE, or which are referred to in said application, or which may be necessary to enable one to make or use said invention.

8. Successors in Interest

The terms and covenants of this assignment shall inure to the benefit of said ASSIGNEE, its heirs, successors, administrators, and assigns, and shall be binding upon my heirs, successors, administrators and assigns.

9. Real Party in Interest

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I recognize that this assignment of my rights in this application makes the ASSIGNEE the real party in interest with respect thereto and that the ASSIGNEE's interests will then be represented by the attorney(s) and/or agent(s) appointed by them to the exclusion of any of my personal interests which may conflict therewith. In the event of any dispute which I may have with ASSIGNEE over the subject matter of this assignment, I acknowledge that I will have to retain independent legal counsel with respect thereto at my own expense.

Signature

Date

30th June 2005

Inventor

Torben Falck ØRNTOFT

Signature

Date

4. July 2005

Inventor

Thomas Thykjaer ANDERSEN

Signature

Date

4/7 - 05

Inventor

Lars Dyrskjøl ANDERSEN

Signature

Date

6/7 - 05

Inventor

Jens Ledet JENSEN

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 09, 2006

PTAS

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ORNTOFT, TORBEN FALCK

DOC DATE: 06/30/2005

ASSIGNOR:

ANDERSEN, THOMAS THYKJAER

DOC DATE: 07/04/2005

ASSIGNOR:

ANDERSEN, LARS DYRSKJOT

DOC DATE: 07/04/2005

ASSIGNOR:

JENSEN, JENS LEDET

DOC DATE: 07/06/2005

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ASSIGNEE:

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SERIAL NUMBER: 10533547

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: GENE EXPRESSION IN BIOLOGICAL CONDITIONS

MARGARET LASALLE, EXAMINER
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PUBLIC RECORDS DIVISION